# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/620,797 | 07/17/2003 | David Chinner | 1252.1080 | 8455 |

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| EXAMINER |
|---|
| ROSE, HELENE ROBERTA |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2163 | |

DATE MAILED: 09/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

| | Application No. | Applicant(s) |
|---|---|---|
| **Office Action Summary** | 10/620,797 | CHINNER ET AL. |
| | Examiner | Art Unit | |
| | Helene R. Rose | 2163 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

· A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on <u>26 July 2006</u>.

2a)☐ This action is **FINAL**.     2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) <u>1-28</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-28</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>17 July 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All  b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

## Detailed Action

1.      This is a response to the amendment filed on 7/26/2006 in which claims 1-28 are

pending.

2.      No claims have been amended; No claims have been added; No claims were

cancelled.

3.      Applicant's arguments, filed on 7/26/2006, with respect to claims 1-28 have been

considered but are moot in view of the new ground(s) of rejection.

## Claims Rejections –35 U.S.C 103

4.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed
> or described as set forth in section 102 of this title, if the differences between the
> subject matter sought to be patented and the prior art are such that the subject
> matter sought to be patented and the prior art are such that the subject
> matter as a whole would have been obvious at the time the invention was made to
> a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was
> made.

5.      Claims 1-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Clayton et al (US Patent No. 6,971,101, Filing Date: September 12, 2000) in view of

Nakaoka et al (US Patent No. 6,092,048, Date of Patent: July 18, 2000).

Claims 1,11, and 20:

Regarding claims 1,11, and 20, Clayton teaches at least one computer readable medium

storing at least one program embodying a method of processing requests to access

computing resources (see Figure 1, all features, said method comprising:

scheduling execution of the resource acquisition requests (column 3,lines 49-61, Clayton)

Clayton discloses a scheduling execution of the resource acquisition request as stated above, However, Clayton does not disclose in accordance with a user configurable metering. On the other hand, Nakaoka discloses a user configurable metering (see abstract, wherein each of a plurality of client machines includes a task information display/operation unit, which enables each user to operate information during a task, is executed. A task execution support system supports the user such that the user can execute a task while determining the contents of action and the procedure of action in accordance with a progress of a task without defining a series of action procedure from the start to end of a task with all sorts of actions in the task listed-up as a network type flow before a task to be supported is started, Figure 25, all features, further defined in column 8, lines 37-65, wherein defined in the applicant's remarks on page 7, the a "user configurable metering" would be the ability of a user to configure how the focus manager determines the number of request of a given priority should be executed, Nakoma). It would have been obvious to one of the ordinary skill in the art at the time of the invention to incorporate a user configurable metering disclosed by Nakaoka within Clayton system for a faster execution, and efficiency for processing numerous amounts of request that may be made by a user.

Claims 2,12, and 21:

Regarding claims 2,12,and 21, Clayton in view of Nakaoka teaches a method further comprising sorting the resource acquisition requests into at least two separate

queues for different request types (Figure 7, all features further defined in column 10,

lines 45-59, wherein the field 7020 shows a code indicative of **type of task** object

operation which represents the time that the event condition wants to indicate and

wherein field 7030 shows a task ID to which there belongs an operation target task object

of a task object operation expressing the time that the event condition wants to indicate

and field 7040 shows a title of an operation target task object of a task object operation

which expresses the time that the event condition wants to indicate and when the task

object operation indicates the completion of the task, the field 7030 shows the task object

which is to be completed, and the field 7040 is not significant, and wherein paragraph

[0006] of applicants specification on page 8 of applicants remarks, the resource

acquisition requests may be **sorted** by read, write and metadata requests and, and by

different subtypes within these types, e.g., within read requests by whether a read-ahead

operation should be performed, or whether a write contains data or only a

synchronization request that sorted by type; column 5, lines 49-67, Figure 8, wherein the

event types are defined; column 6, lines 17-20, wherein client creates new task entries n

order to write respective chapters; column 8, lines 4-12, wherein he task information

management unit 1020 is adapted to read task information from the task information

memory unit 1010 and to change memorized task information in accordance with a task

information reference/operation request issued from the task information

display/operation unit 1030 or the event rule driver unit 1040. Nakaoka).

Claims 3,13, and 22:

Regarding claims 3,13, and 22, Clayton in view of Nakaoka teaches a method

further comprising configuring metering of the resource acquisition requests in response

to input from an administrator of the system (column 4, lines 27-35; column 14, lines 30-

35, wherein the user designates an execution action, which is equivalent to a user control

over how all request are executed as defined on page 8, of applicants remarks, Nakaoka)

Claims 4,14, and 23:

Regarding claim 4, 14, and 23, Clayton in view of Nakaoka teaches wherein said

configuring includes specifying a first number (column 5, lines 49-51, Clayton) of the

resource acquisition requests from a first queue to be performed (column 6, lines 13-15,

Clayton) for a second number (column 5, lines 51-53, Clayton) of the resource

acquisition requests from a second queue (column 6, lines 15-17, Clayton), as long as the

resource acquisition requests are queued in both the first and second queues (Figure 24,

all features, further defined in column 20, lines 19-44, Nakaoma).

Claims 5,15, and 24:

Regarding claims 5,15, and 24, Clayton teaches wherein said configuring includes

specifying a corresponding number of the resource acquisition requests to be executed for

each of the at least two separate queues (column 6, lines 10-13, Clayton) when more than

two of the separate queues are provided (column 6, lines 1-10, Clayton).

Claims 6,16, and 25:

Regarding claims 6,16, and 25, Clayton in view of Nakaoka teaches a method

further comprising establishing a maximum number of threads (column 1,lines 55-67,

wherein a thread is defined as a process that is part of a large process or program,

Clayton) for executing resource acquisition requests in response to the input from the

administrator (column 7, lines 47-56, Clayton).

Claims 7,17, and 26:

Regarding claims 7,17, and 26, Clayton in view of Nakaoka teaches wherein the

maximum number of threads for executing resource acquisition requests is at least as

large as a sum of the first and second numbers (columns 7-8, lines 61-67 and lines 1-13,

wherein a five minute difference between time and implementation time, Clayton)

Claims 8,18, and 27:

Regarding claims 8,18, and 27, Clayton in view of Nakaoka teaches wherein the

first and second numbers are each larger than one (column 5, lines 13-15, wherein there

is a zero, first, and second priority, Clayton).

Claims 9,19,and 28:

Regarding claims 9,19, and 28, Clayton in view of Nakaoka teaches wherein a

default metering is used when no input is received from the administrator (column 8,

lines 21-39, wherein attempt is made to take over the user interface and only allows when

an acknowledgement is made, Clayton).

Claim 10:

Regarding claim 10, Clayton in view of Nakaoka teaches wherein the first queue

is for read requests, the second queue is for write requests and the default metering is two

read requests for two write requests (column 2, lines 17-34, wherein an open network is

able to read requests and write requests and column 4, lines 53-59, Clayton) executed by

four threads (see Figure 1, all features, wherein threads is defined as a process that is part of a large process or program, Clayton).

## Prior Art of Record

1. Clayton et al (US Patent No. 6,971,101) discloses a resource acquisition requests for a file system are executed under user configurable metering, wherein as resource acquisition requests are received by a file system server, the resource acquisition requests are sorted into queues, e.g., where read and write requests have at least one queue for each type, plus a separate queue for metadata requests as they are executed ahead of any waiting read or write request, wherein the file system server controls execution of the file system resource acquisition requests to maintain the ratio set by the system administrator.

2. Larson (US Patent No. 6, 754,690) discloses a time-partitioned system for accounting for processor time consumed by operating system services provided on behalf of an application running in a real-time environment, wherein the time utilized by the operating system is treated as being application processing time, rather than viewing the resultant processor time consumed as an operating system overhead.

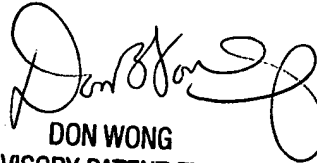3. Nakaoka (US Patent No. 6,092,048) discloses a task management server.

## Point of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Helene R. Rose whose telephone number is (571) 272-0749. The examiner can normally be reached on 8:00am - 4:30pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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September 19, 2006

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